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THE MEDICO-LEGAL CONSIDERATION OF PERVERTS AND INVERTS.

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It is my object in the present article to notice in a general way various cases and questions relating to those perverted states and conditions of that large class among us widely known as "perverts." Unfortunately, the people so designated are the least understood of all the abnormal types in nature. As a rule they are incomprehensible to the average medical man; through crass ignorance, they are regarded as criminals by the average jurist and judge; the church regards them as being "accursed of God," and therefore to be despised and shunned, and the legitimate prey to the cruelty of mankind in general; while, finally, the public, of which they are a part, deal with them as outcasts, persecute them, and by one means or another seek to drive them off the face of the earth.

By many the term "pervert" covers everything from a case of psychic epilepsy to one of pederasty—the law has as much mercy in store for the one as it has for the other, while the learned and well informed physician, however much sympathy he may have for them, is, for many reasons, powerless to help, or as often happens, strongly disinclined to submit to the insults offered him from the bench, when he sits as an expert witness in such cases in the courts.

Very well do I remember some of my own experiences in matters of this kind, and particularly a few years ago in the case of the unhappy Miss Ida C. Craddock, a teacher in sexology, who was driven to suicide through the outrageous injustice of the law courts, and the persistent persecution of the public censor of obscene literature. Never

was I so discourteously treated in the witness chair in my life, where I sat as an expert in that lady's case, as I was by the senior or presiding judge in that farce of a trial. It was astounding and distressing to observe how utterly ignorant the judges were of the nature of the person on trial, or of anything else that pertained to the subject. And, to note the hardened and ignorant faces of her accusers was sufficient to carry despair to the heart of any one having the interests of his race continuously in hand; and who aimed to have science and justice prevail, rather than ignorance and brutality, where, as in this case, the honor, morality, and pure convictions of a refined student of sex had been ruthlessly assailed. It may with great certainty be predicted, however, that much that Miss Craddock attempted in her way to teach in sexology will, as the years go by, come to be far better understood, appreciated and adopted, and that long after the names and insane methods of the notorious "vice-suppressors" of this day and generation are forgotten.

Speaking for this country alone, it may with truth be said that incidents of this and of kindred character occur, to the disgrace of the court records and our reputation as a humane and advanced people, by the hundreds every year that passes. The several reasons for this are not far to seek. Chief among these stand the extremely meagre attention paid to such subjects in the schools and colleges where medical students and our future jurists are graduated. In these schools and colleges the all important science of sexology rarely forms any part of the curriculum, where practically the foundation for the scientific study and observation in that science should be laid. This in part may be accounted for by the prudish views taken of everything having any relation whatever to the investigation of the matter of sex by the people of this country as a whole. This of course applies far more forcibly to law students than it does to those of medicine. To prove the truth of this assertion one has but to make the attempt to discuss such questions in a group composed of young lawyers and doctors; or before the members of a medico-legal society; or to endeavor to publish in a medical or law journal a candid discussion of a sex question, and mark the result—the effect. The speaker or author would receive

more consideration at the hands of his audience or his readers were he to propose a plan to overthrow the existing government; poison all the wells in the country; and destroy all the public libraries. Congregations will assemble in thousands of places throughout the country and listen for an hour or more to a sermon touching upon subjects, the matters referred to in which make them not one whit wiser or better, and yet were one to make the attempt to instruct any such congregation in any vital sex question tending to the improvement of the race, a pseudo-moral stampede would undoubtedly immediately follow. There is no organization among us more intolerant of the scientific study of sexology in its widest sense, or more brutal in the regard which it holds individuals exhibiting abnormal sex conditions, than the Christian Church. Both present and past history stand for the proof of this statement.

With the general neglect of the study of sex in all of its many phases exhibited on the part of medical students and physicians; with the ignorance and consequent attitude of the law courts toward such cases—with all this on the one hand, I say, and with the widespread horror and superstition in regard to the investigation of questions pertaining to the science of sex on the other, it is an easy step to the passage of laws intending to deal with cases of all descriptions, in the courts, of sexual perverts, sexual inverts, and psychic epileptics, that are fiendishly infamous, barbarous and inhuman in the extreme, from whatever premises we may elect to regard them.

Never shall I forget the sense of horror that crept over me when, at one of the regular meetings, a winter ago, of the Medico-Legal Society of New York, held at the Waldoff-Astoria in that city, an eminent lawyer defended a paper there, recommending the establishment of the whipping-post, to be used in the case of wife-beaters. He was a very old gentleman, and the more earnest he became in the presentation of the proposition, the more his features and his attitude reminded me of pictures I have seen of one of the inquisitors who figured in the Spanish Inquisition, several centuries ago. To my utter surprise the majority of the gentlemen of the bar, heartily indorsed the proposal, and as the argument was being brought to a close I glanced at the faces of the numerous members present on that occasion

to ascertain if possible if there was not at least some one there who entertained an opposite opinion. To my great relief and satisfaction, I was not to be disappointed in this, for a gentleman who sat immediately in front of me, a person with thoughtful face and marked dignity of bearing, arose to his feet, and upon being recognized by the chair, undertook to controvert what the aforesaid speaker had set forth. This he did in words so well chosen, and in a way so logical and convincing, that he left but little to be said upon the other side of the question. He laid especial stress upon the distinct backward step it would inaugurate in the advances we hoped to attain in modern civilization; that a public whipping-post would be a menace to the morals and humane instincts of every adult and young person who witnessed it; that it was brutality usurping the place of science and civilized methods; that it would constitute an ever present insult to every sincere present-day researcher in the field of abnormal mental and physical manifestations in our species; and if we again introduced the whipping-post as a means of treatment for psychic epileptics, it would be a sound argument in favor of likewise introducing the ducking-stool for scolding wives, the faggot for witches, and all the other legal equipments of the courts in mediæval times, as the only rational methods of dealing with offences committed by persons laboring under some mental or sexual disability or abnormality. With a wave of his hand he said, as he resumed his seat, "I think we have gotten along a little further than that," in which I most heartily agree with him.

It is not the intention of the writer to discuss here any plan of treatment for dipsomaniacs or for psychic epileptics, as that would make altogether too long a chapter, but I will reiterate in this place that the treatment they now generally receive at the hands of the law and some others is distinctly barbarous, and some means should be adopted to put a stop to it. They are, in no sense of the word, criminals, nor should they be held responsible for the acts they commit during an attack. I have seen cases where patients of this class have been treated with the most infamous cruelty by the police and the courts in New York City, and in a manner disgraceful to the

very name of civilization. To be sure, this is an especially difficult problem to handle, but at the same time no thoughtful person who has at heart the welfare of people and the proper and just solution of such social questions, would for an instant entertain the proposition of making the jail and the whipping-post the means of cure for those unfortunates in the community laboring under the disability of a psychic incubus. It is only those who are lacking in knowledge and insight who fail to recognize the fact that many of the forms of alcoholic intoxication in men are due to a periodical disturbance of certain cerebral centers and cells, for which the sufferer is not responsible, any more than he is for the acts the condition incites.

A very large part of the existence of the widespread ignorance in matters of this kind, is to be found in too great an extent in the professions of law and medicine, and to a criminal extent in so far as the public is concerned, is largely due to laws that have been enacted in this country in regard to the publication and the selling of works devoted to the short description and treatment of psychical and sexual abnormalities in our own species. Authors of works of this class meet with the greatest amount of difficulty when they come to have them printed and sold. He or she is at once threatened with legal persecution and the danger of fine and imprisonment. Not only is this the case in our country, but through another most vicious system, works published abroad by authors in other countries, having to do with the psychology of sex and kindred subjects are either denied introduction here altogether, or so heavily taxed in the custom-houses as to materially discourage their introduction. It is this miserable state of affairs that is responsible for the prevalence of so much ignorance in regard to sexology in general, both normal and abnormal. There are not a few holding positions of authority, in one way or another, in the legal machine in New York City, who entertain such distorted notions as to what really constitutes "vice," that its presence and growth may be almost entirely due, in our growing youth at least, to the publication of wholesome and instructive works upon sexology, and to the exhibition of figure studies of the nude in the show win-

dows of the city's art establishments. They seem to be totally ignorant of the fact that at any time in the life of one who is a sufferer from any pronounced form of a sexual abnormality, that that abnormality is not communicable to others, either through infection or through contagion. Those who are psychically and sexually sound, and so constituted that they will remain so throughout life, are in no danger of being rendered otherwise, either by viewing art works of any description or reading books on sex or sexual diseases—much less by associating with sexual perverts. This last named genus of the family *Homidæ*, are a wonderfully clannish and seclusive set. It must be remembered in this connection that there is in New York City such a place of "amusement" as the Eden Musée. It is a large building on a prominent street, and it contains a great number of life-size figure groups in wax. Many of these represent murders, hangings, electrocutings, *tortures* of all descriptions, and similar scenes from history. Now it is just such objects as these that excite to crime one well-known class of sexual perverts—that is, the sadists. There are scores of sadists in New York City, and they enjoy the most intense delight in visiting such places. To them a show window of a cutlery and gun store possesses similar attractions, and often powerfully excites them sexually. Some sadists when sexually excited are extremely dangerous persons at large in the community, yet at the same time that would hardly constitute a reason for laws being passed to remove from the show windows of shops all such things as edged tools, pincers, whips, surgical instruments, and the like, simply because they *suggested* to the mind of passing sadists, cutting and stabbing, torture, and flagellation. The same applies to what might be said in regard to exposing naked dolls in the toy stores, or the model of a neat limb of a woman wearing an attractive stocking in a window where hosiery is exhibited. The mind of the unfortunate sexual pervert or invert will find material anywhere and everywhere calculated to excite his or her particular psychic state, all the way from a banana on a fruit stand to the semi-draped figure of the Virgin Mary in a church window. This fact should be borne well in mind by all those social fanatics in our midst who fancy themselves

to be the chosen guardians of the public morals, and the enemies of vice and corruption.

The reason to account for the presence of such a vast number of psycho-sexual perverts and inverts among us is, that for untold generations in the past couples have given birth to children who have been anatomically, physiologically and psychologically unfitted to bear them. Such mating stands responsible for present-day crime, and matters in this respect are no better now; and, moreover, there can be no improvement so long as crass ignorance of the science of sexology prevails. This ignorance will prevail just so long as the scientific literature of the subject is denied publication by law, and the preachings of prudery are listened to, and the teachings of prudes remain the rule for practice and the guide for public morals and ethics. We will continue to breed millions of sexual perverts and inverts—psychopathic types—just so long as any ignorant priest, justice of the peace or other party, is permitted to give people permission to breed them, that is, without the would-be parents having first been examined by a competent medical expert, or experts, and pronounced sound. This would insure gradual, very, very gradual improvement, but it would be certain, and at least safeguard posterity.

In the meantime, and in our own day, all that can be accomplished in addition to this, is to instruct the people in the true principles of sexology; to enact national laws calculated to protect and render comfortable the more or less harmless class of sexual perverts in the community, and build asylums and hospitals for the dangerous ones, where they may be cared for, and scientifically treated. For one, I do not approve of the present day methods of treatment in the case of the psychosexual pervert and invert, the neuropath and the psychic epileptic, and others of that class of sufferers. Their cure and care can never be insured through the employment of the miserable and unhealthy prison cell, the fine, the whipping-post, the electrocuting-chair, and similar instruments of torture—and I would consider myself to be a very unscientific and ignorant friend did I think so.

As to the present practice of suppressing the publication of scientific contributions to the science of sexology, there

has come before me very recently an interesting case of it. An author of a certain manuscript brought the latter to my study for examination with the view of my suggesting a publisher for it. In this latter he had been entirely unsuccessful, and those whom he had brought it before pointedly declined to undertake the venture, giving various excuses for so doing. Nearly every one of them, however, who read it, laid especial stress upon the danger attaching to the publication and sale of a work of that character—that is, the danger arising from what the law might think of it, and the action the courts might take. I went over the manuscript with very considerable care, and unhesitatingly came to the conclusion that it should be printed in its present form, with perhaps some editing in the matter of its literary style. There appeared to be sufficient copy to make an octavo volume, of some 350 pages, with no illustrations, and was in very excellent shape to go directly to the printer. The story consists of a very complete biography of one Ralph Werther, otherwise known as Jennie June, who was well known to the writer of it. A clear, and helpful introduction precedes the subject-matter of the work. Here, among other questions, the sexual invert is defined, and considerable light let in upon their general history. He truly points out how little, how very little, is known about them, adding that "Krafft Ebing, of Vienna, and Havelock Ellis, of London, are the two physicians whose writings on the subject have been most widely read. Until a few years ago the medical profession had given no attention to these human sports, but recently several other physicians have issued works on the subject. However, even at present, this abnormal variety of the human species is mentioned in no lectures in our medical colleges, and not one physician or lawyer in ten has ever read anything about them."

Ralph Werther throughout his brief life had, in all anatomical particulars, the form of a man, though bearing to some extent the impress of the opposite sex. His psychic nature always remained distinctly that of a girl, and that, too, of a very amorous and passionate girl. In fact, he was a girl with the body of a boy. Intellectual and educated to a high degree, she passed through the most remark-

able life-experience imaginable, from childhood to the day of self-destruction, which occurred before 30 years of age. During this time, the wonderfully interesting subject of this account kept a very full diary, and scores upon scores of letters, and other matters calculated to shed ample light upon the terrible cruelties and tortures he had passed through. This was done with the view of publishing an autobiography, an undertaking she never succeeded in accomplishing, as every publisher declined the manuscripts. All this and much more besides, fell into the hands of the gentleman who has now prepared the history for publication, and I may say that it is the most complete and valuable confession of one of these sexual inverts that it has ever been my good fortune to have read. From first to last it is the strangest possible picture, or long series of pictures, of the criminal section and of the criminals of New York City. It is an object lesson to every doctor of medicine and lawyer in this or any other civilized nation. It should be read by every sociologist, anthropologist, and professional person in this country, and therefore, most emphatically, it should be printed and placed in the hands of the same. In fact, as I have said in a former paragraph, all such true and authentic accounts should be given to the world; no kind of real knowledge should be suppressed, and especially the very species of knowledge set forth in the manuscript here being considered. There is absolutely no line to be drawn in the premises, and, in reality, no line can be drawn, and the day has gone by when the priest can dictate to the world what shall and what shall not come off the presses. This is the twentieth century and not the fifteenth, and printed truths have become our best protection, and the light of knowledge the greatest safeguard of the world. How can we ever hope to improve the tissue of which our race is composed unless we are familiar with every cell now included in its composition? This demands the very closest study of every type in existence, and particularly the abnormal and objectionable types, and an enormous number of these are to be met with among the psycho-sexual perverts. Regard it from any point of view we may, it is our bounden duty to do this and do it thoroughly.